

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

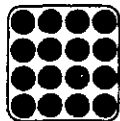
Tuesday, March 21, 1978

10:00 o'clock a.m.

DOYLE G. BERRY,
Chairman

Wildlife and Fisheries
Building, Room 102
400 Royal Street
New Orleans, LA 70130

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, inc.
Stenotypists

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P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of Louisiana Wildlife and Fisheries Commission convened at 10:00 o'clock a.m. on Tuesday, March 21, 1978, in Room 102, Wildlife and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding.

PRESENT WERE:

DOYLE G. BERRY, Chairman

DONALD F. WILLE, Vice Chairman

MARC DUPUY, JR., Member

J. C. GILBERT, Member

JEAN LAPEYRE, Member

HARVEY CLAY LUTTRELL, Member

CHARLES RIGGS, Member

J. BURTON ANGELLE, Secretary.

A G E N D A

DR. LYLE ST. AMANT

1. Request from T. L. James & Company, Inc., for (8)
renewal of permit to pump fill material
from the Mississippi River in the
vicinity of Mile 131.2 near Killona,



St. Charles Parish, Louisiana.

2. Request from T. L. James Company, Inc., for (7)
renewal of permit expiring March 25,
1978, to pump fill material from the
Mississippi River at Hahnville, Louisiana.
3. Request for renewal of permit by Charles H. (10)
Lawrence, Jr. to remove sand and gravel
from the Mississippi River between Mile
406.0 and Mile 417.0 AHP, along the Togo
Island Bar and adjacent to land owned by
applicant.
4. Proposed fill material changes. (12)
5. Resolution to request Director of National (17)
Marine Fisheries to extend time of com-
ment on proposal on sea turtles.

MR. KENNETH SMITH

6. Discuss application of Loxco, Inc. to conduct (4)
seismic operations on Lake Bistineau.

OTHER BUSINESS

7. Report of sub-committee on oyster lease (26)
hearings.

NOTE: The following items not on the printed
agenda were also considered:



Approval of minutes of meeting of

(4)

February 28, 1978.

Authorization to issue eel fishing permits.

(21)

Mr. Dupuy's attendance at Houma oyster lease
meeting.

(27)

Authorization for Mr. Luttrell to attend
meeting of Ducks Unlimited in Canada
as representative of Commission.

(27)

April meeting dates.

(28)

May shrimp season meeting dates.

(29)

Adjournment.

(29)



CHAIRMAN BERRY: Good morning. We will call the meeting to order now. The first order of business will be the approval of the minutes of the last meeting, which is not on the schedule this morning. I call for a motion.

MR. DUPUY: I so move.

MR. LUTTRELL: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

Kenneth, if you are ready, we will go ahead and take you on Item No. 6 since Dr. St. Amant is not in here yet.

Go ahead, Mr. Smith.

MR. KENNETH SMITH: The one item I have on the agenda today concerns a request from Loxco, Inc., a seismic company who has requested permission to shoot 42 shot points on Lake Bistineau within the next two weeks.

Their proposal is that the shot points



be 165 feet apart. They will use 10-pound charges and they will shoot these 90 feet below the surface.

Now we have contacted the people. We have the shot locations. We have it mapped out. We will send this information to our fisheries biologist on the Lake, James Brantley, and require him to accompany the crew. The letter that goes to Loxco if this request is approved will state that he will be required to accompany the crew to be sure there is no damage and to assess any damage that might occur.

Further, they have agreed to pay \$100 per shot for these 42 shots in the Lake. This is the standard fee charged by the Department for Commission-owned land and it seems appropriate to charge this on this Lake where we have been charged with the responsibility of managing it.

That basically is the proposal, Mr. Chairman.

MR. WILLE: I will move.

THE CHAIRMAN: We have a motion. Do we have a second?



MR. RIGGS: I second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, LOXCO, INC., of
New Orleans has requested permission
to conduct seismic operations on
Lake Bistineau with 42 shot points
planned to be conducted in the
lake, and

WHEREAS, LOXCO'S proposal
is to detonate 10-pound charges 90
feet below the surface, each shot
point to be 165 feet apart, and

WHEREAS, the Lake Bistineau
Biologist, James Brantley, will be
assigned to accompany the shooting
crew during the entire operation, and



WHEREAS, LOXCO agreed to pay to the Department of Wildlife and Fisheries \$100 for each shot,

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby approves the request of LOXCO, INC. to conduct seismic operations on Lake Bistineau as described above.

THE CHAIRMAN: Thank you, Kenneth.

Harry, I believe you are taking Dr. St. Amant's place.

MR. HARRY SCHAFFER: Mr. Chairman, we have a request from T. L. James for renewal of a permit expiring March 25, 1978 to pump fill material from the Mississippi River at Hahnville. We find that this permit will meet all the requirements of the Commission and therefore we would recommend it approval.

THE CHAIRMAN: Gentlemen, you have heard the recommendation. Do I have a motion?

MR. WILLE: I move.

THE CHAIRMAN: Do we have a second to the



motion?

MR. LAPEYRE: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries does hereby grant permission to T. L. JAMES & COMPANY, INC., to renew their permit to remove fill material from the Mississippi River at Hahnville, St. Charles Parish, Louisiana, for a period of one year from March 25, 1978 to March 25, 1979.

MR. SCHAFER: The next is another request by T. L. James for the renewal of a permit to pump

fill material from the Mississippi River in the vicinity of Mile 131.2 near Killona in St. Charles Parish. We find that this permit will meet all the requirements of the Commission and we recommend its approval.

THE CHAIRMAN: Gentlemen, we have a recommendation. Do we have a motion?

MR. DUPUY: Is this No. 2?

MR. SCHAFER: I don't have an agenda. I may not be taking them in order.

MR. LAPEYRE: T. L. James for renewal of a permit expiring March 25?

MR. SCHAFER: That was the first one. I am sorry; I have got them out of order there.

THE CHAIRMAN: You have two T. L. James there.

MR. SCHAFER: We have two T. L. James and I am talking about the first one now.

THE CHAIRMAN: O. K.

MR. DUPUY: I so move.

MR. WILLE: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.



IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Department of Wildlife
and Fisheries does hereby grant per-
mission to T. L. JAMES & COMPANY, INC.
for renewal of their permit to remove
fill material from the Mississippi
River in the vicinity of Mile 131.2
near Killona, St. Charles Parish,
Louisiana, for a period of one year
from March 25, 1978 to March 25, 1979.

THE CHAIRMAN: We will take No. 3 now.

MR. SCHAFFER: No. 3 is a request for
renewal for a permit from Charles Lawrence to
remove sand and gravel from the Mississippi River
between Mile 406.0 and Mile 417.0 AHP, along the
Togo Island Bar and adjacent to land owned by the



applicant.

We find that this permit will meet all the requirements of the Commission and therefore we recommend its approval.

MR. DUPUY: I move, Mr. Chairman.

THE CHAIRMAN: Moved by Mr. Dupuy. Do I hear a second?

MR. WILLE: I will second it.

THE CHAIRMAN: Seconded by Mr. Wille. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries does hereby grant permission to CHARLES H. LAWRENCE, JR., to remove sand and gravel from the Mississippi River between Mile 406.0



and Mile 417.0 AHP, along the Togo Island Bar and adjacent to land owned by the applicant, for a period of one year from March 21, 1978 to March 21, 1979.

THE CHAIRMAN: No. 4, proposed fill material changes.

MR. SCHAFER: Mr. Chairman, I believe Mr. Gilbert has the resolution that was worked up between Doc and himself.

MR. WILLE: Do you want that read into the minutes?

THE CHAIRMAN: Do you want to read the resolution, Mr. Gilbert?

MR. GILBERT: Yes. Mr. Chairman, as you know, some 90 days ago the Commission was instructed to come up with a possible change in the royalty on sand, fill material, gravel and so forth. We did quite a bit of research along with Dr. St. Amant. We have checked very closely into the situation that has been going on since 1954 in some of the instances. The request has been published in the Register for the past 90 days. To my knowledge



no individual or no company has come forth with a complaint in regard to any increase in the royalty rates. They have had ample opportunity to discuss with individuals or the Commission as a whole if they had any complaints.

The royalty on sand fill material was changed in '72. However, on screened sand, unscreened sand and gravel there has been no change in the royalty since 1954. Therefore, I feel that it is imperative upon this Commission to administer our responsibilities and I herewith propose that the royalty on fill material be increased to ten cents per cubic yard, the royalty on screened sand be increased to eleven cents per cubic yard, the royalty on unscreened sand and gravel combined be increased to 20 cents per cubic yard, and the royalty on washed gravel be increased to 30 cents per cubic yard.

These proposed changes will double the existing rate royaltywise. I would further suggest that those companies that have long-term contracts be allowed to continue these contracts during the life of that contract at the old rate.



Each year the Commission audits the books of the companies and whereas they have the long-term contracts that are in existence at this time, they should be allowed to pay the old royalty rate.

I would propose that this new increased rate go into effect immediately. That is the resolution.

MR. WILLE: That would be in the form of a motion, Sonny?

MR. GILBERT: I make a motion then.

MR. RIGGS: Second.

MR. WILLE: Seconded by Mr. Riggs. All in favor say aye.

MR. BERRY: Thank you, Mr. Vice Chairman. The Chairman has been discussing the May meeting. The Chair will entertain a motion.

MR. WILLE: It was made by Mr. Gilbert and seconded by Mr. Riggs.

All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

MR. LUTTRELL: Mr. Chairman, I just want



to bring to your attention that the motion as made and passed is illegal since the Chair was sitting in the Chair's position. It will have to be carried through with the Chair.

THE CHAIRMAN: The Chair will now entertain a motion on Mr. Gilbert's resolution. You made the motion, is that correct?

MR. GILBERT: Right.

THE CHAIRMAN: Seconded?

MR. RIGGS: I seconded.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

No objection, so ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, the Louisiana Wildlife and Fisheries Commission is charged with the responsibility of administering through a permit



system the dredging of fill material, sand and gravel; and

WHEREAS, a recent study indicates that while the inflationary spiral has caused considerable increase in the wholesale price of these materials; and

WHEREAS, the royalty per cubic yard has not been increased on sand fill material since 1972; and

WHEREAS, there have been no changes in the royalty on screened sand, unscreened sand, and gravel since 1954;

NOW THEREFORE BE IT RESOLVED that the royalty on fill material be increased to Ten Cents (10¢) per cubic yard; the royalty on screened sand be increased to Eleven Cents (11¢) per cubic yard; the royalty on unscreened sand and gravel combined be increased to Twenty Cents (20¢) per cubic yard; and the royalty on washed gravel be



increased to Thirty Cents (30¢) per cubic yard, these prices to be effective immediately with the following exceptions: Those companies involved in long-term contracts which have been negotiated at the present price level will not be subject to this increased royalty on that contract for the life of the contract. It should be the responsibility of any permittee to satisfy the Commission that they hold valid long-term contracts.

THE CHAIRMAN: No. 5.

MR. SCHAFER: Mr. Chairman, about two years ago the Fish & Wildlife Service and the National Marine Fisheries Service had hearings about placing three of the marine turtles, the loggerhead, the Pacific ridley, and the green turtle, on the endangered species list. They have held up doing anything about it and have now been petitioned to open the records again for comment for another period of comment because in the past two years they have collected some more data.



Some of the Friends of Animals and other types of environmental organizations have wanted to put these things on the endangered list. We would like to have some comments on that ourselves after we see some of this new data. We think that possibly putting it on a protected list would be a lot better than trying to put it on the endangered species list where it would be a \$25,000 fine for a shrimper to even catch one accidentally.

They have opened the record for a 30-day period which is not enough time for us to look at the data, analyze it and then make some remarks on it, so what we are requesting is that the Commission send a resolution to the Director of the Fish & Wildlife Service and also the Administrator of Fisheries from NOAA, requesting that the hearing period be extended from 30 days to 120 days in order that we may have some time to get some comments in.

MR. WILLE: I move.

THE CHAIRMAN: We have a motion by Mr. Wille. Do we have a second?

MR. DUPUY: Second.



THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered. It is going to be a poor day when the federal government comes in and puts our turtles on the endangered species list, isn't it?

MR. SCHAFER: It is.

THE CHAIRMAN: They have run everything else. They are hell-bent on running things from Washington, aren't they? They can't even remember what they have got up there and they are trying to usurp and take more states' rights and run our business for us.

MR. SCHAFER: We think they are attacking the problem in the wrong place. The big thing that hurts the population of turtles is the beaches. There are places where there are natural prey on these things. Building on the beaches, lots of lights out on the beaches confuse the turtles, they don't know where they are going after they get to the beach. It looks like they would do a lot more protecting if they outlawed some of this



stuff instead of trying to keep the shrimper from catching the turtle.

MR. WILLE: The federal government is not going to be able to control South America, either, they are really knocking the heck out of them.

THE CHAIRMAN: You know, I have seen a bunch of biologists get down on Bourbon Street and those lights and they didn't know which way they were going.

MR. SCHAFER: That's right.

(Laughter)

THE CHAIRMAN: And a few Commission members! And one Director!

(Laughter)

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, the National
Marine Fisheries Service has opened
the record for comments on placing the
Pacific ridley, green and loggerhead
marine turtles on the protected species



list or endangered species list for a period of 30 days, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries would like to comment on the effects of placing these marine turtles on one of these lists, and

WHEREAS, the 30 days for the comment period does not give our biologists sufficient time to analyze the recent data that has been collected by the National Marine Fisheries Service,

NOW, THEREFORE, BE IT RESOLVED that the Wildlife and Fisheries Commission request the Assistant Administrator of Fisheries of the National Marine Fisheries Service to extend the time for commenting from 30 days to 120 days.

MR. SCHAFER: Mr. Chairman, I had one other item that is not on the agenda. This is about eel fishing. We have a number of local fishermen who would like to fish some eel traps. We have some buyers, we have one in the audience,



Mr. Levin, who is down here from Philadelphia, whose company has been handling eels for the past 30 years. They have worked with some of our local fishermen. We think there is a population out there but we don't know too much about it and we need some more information.

What I would recommend is that the Commission give the authority to the Secretary to issue permits to some of our local fishermen in order that they can catch some of these eels and sell them to Mr. Levin and other companies that are down in this part of the country looking for eels for the market, and we will get our information and try to develop a new fishery for Louisiana.

We do have some restrictions that we will put in the permits if you give the authority to the Secretary to issue these permits.

I would recommend that he be given this authority so that we can issue permits.

THE CHAIRMAN: Gentlemen, we have a recommendation.

MR. DUPUY: I so move.



MR. RIGGS: Second.

THE CHAIRMAN: Moved by Mr. Supuy,
seconded by Mr. Riggs. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, there have been
several local fishermen who have
requested permits to fish with eel
traps, and

WHEREAS, there seems to be
a population of eels in Louisiana
waters, and

WHEREAS, there are buyers
coming into the state wishing to
buy eels from our local fishermen, and

WHEREAS, this Department
needs information in order to develop
legislation and rules and regulations



to manage this fishery if it is to be developed,

NOW THEREFORE BE IT RESOLVED
that the Louisiana Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to issue permits for using eel pots to catch eels under the following conditions:

- (1) Each trap and float must be marked stating that this is an experimental eel trap;
- (2) Limited to fish no more than 50 eel traps;
- (3) All species of aquatic animals other than eels must be released alive into the waters;
- (4) You cannot have any other fish or shellfish in your possession when running these eel traps;
- (5) A commercial fishing license must be in your possession when these traps are run;



- (6) The traps must be placed in areas where boats and other fishermen will not damage their gear when in the eel trap areas;
- (7) A monthly report, due on the tenth of each month, must be submitted, stating the pounds of eel harvested during the month, and also stating the number and the species of other aquatic animals caught in the trap and released.

THE CHAIRMAN: We have Mr. Levin with us this morning in the audience. I would like to introduce you, Mr. Levin. He represents the Superior Fish Company out of Pennsylvania.

MR. DUPUY: For the record would you have anything to say?

THE CHAIRMAN: Would you want to say anything at this time, Mr. Levin?

I think this is the smallest meeting we have ever had.

MR. JOEL LEVIN: Thank you, gentlemen. Mr. Chairman and Members of the Commission, I just



want to say that there is a very lively market for eels and every informal indication that I have had from being here indicates that there is a tremendous population untapped here in Louisiana, and those two things together ought to make a very lucrative fishery.

THE CHAIRMAN: Thank you very much. We are glad to have you in our state.

No. 7 under Other Business, Mr. Wille, do you want to report on your committee on the oyster lease hearings?

MR. WILLE: Mr. Chairman and Members of the Commission, we have had three meetings concerning the oysters and the leases with the oystermen and at this time the committee is going to ask the Commission to give us a little more time to collect all of our data, put it together and come up with a good sound recommendation because the recommendations that we make will not only concern the price of leases but some other things that have come up since we started the meetings. That is about it.

THE CHAIRMAN: Thank you, Mr. Wille. I had the pleasure of attending one of the meetings



down in Buras. I didn't make the others.

Is there any other business before the Commission this morning? Does anyone else wish to be heard?

MR. WILLE: Yes, I would like to say one thing if I may. I know Mr. Dupuy donates his per diem to a scholarship fund and he did attend the oyster meeting with us in Houma and I would like to ask the Commission to go ahead and authorize Mr. Dupuy to put in for the Houma trip since he did attend the thing and was very helpful, I might add, too.

THE CHAIRMAN: I don't think this requires a motion, does it?

SECRETARY ANGELLE: No, no.

THE CHAIRMAN: Burt can handle that.

MR. DUPUY: Thank you.

THE CHAIRMAN: We have a Ducks Unlimited meeting in Canada this year. I have been requested by Mr. Luttrell to pass a motion to authorize him to go to represent the Commission. I would like to have a motion at this time and a second.

MR. DUPUY: I so move.



THE CHAIRMAN: Moved by Mr. Dupuy? Do we have a second?

MR. LAPEYRE: Second.

THE CHAIRMAN: Seconded by Mr. Lapeyre. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

Does anyone else wish to be heard this morning?

What is the date of the April meeting, Pie?

MRS. PENDLEY: April 24 and 25.

THE CHAIRMAN: The 24th and 25th, April meeting. I do think we are going to have to change that May meeting.

MR. WILLE: Are you talking about the formal meeting? Isn't that the public meeting?

THE CHAIRMAN: That is the one in Lake Charles. The Chairman is on the Board of the Gulf Coast Oilmen's Association and we are going to Destin, Florida and I have got to be there.



(Discussion off the record.)

THE CHAIRMAN: May 1 and 2 are the shrimp season meetings.

Thank you very much. The meeting stands adjourned.

(Whereupon, at 10:30 o'clock a.m., the meeting was adjourned.)

Kathryn G. Chamberlin,
Reporter.

